

**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Thursday, September 8, 2011 3:30 P.M.  
City Council Chambers, Room #300  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF AUGUST 25, 2011, ZONING COMMITTEE MINUTES**

**SITE PLAN REVIEW** – List of current applications (Tom Beach, 651-266-9086)

**NEW BUSINESS**

- 1      11-264-892   Audrey and John Malone**  
Re-establishment of nonconforming use as a single-family home  
1517 Randolph Ave, NE corner at Saratoga  
B1  
Sarah Zorn      651-266-6570
  
- 2      11-265-812   Mississippi Market (Selby Ave)**  
Rezoning from RM2 Medium Density Multiple-Family Residential to B2 Community  
Business  
633 Hague Ave, between Dale and St. Albans  
RM2  
Kate Reilly      651-266-6618

**ADJOURNMENT**

**ZONING COMMITTEE MEMBERS:** Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have.



## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Audrey and John Malone **FILE #**11-264-892
  2. **APPLICANT:** Audrey and John Malone **HEARING DATE:** September 8, 2011
  3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Reestablishment
  4. **LOCATION:** 1517 Randolph Ave, NE corner at Saratoga
  5. **PIN & LEGAL DESCRIPTION:** 102823230096; Sylvan Park Addition To Theci Ex Ave Lot 13 Blk 15
  6. **PLANNING DISTRICT:** 14
  7. **ZONING CODE REFERENCE:** §62.109(e) **PRESENT ZONING:** B1
  8. **STAFF REPORT DATE:** August 26, 2011 **BY:** Sarah Zorn
  9. **DATE RECEIVED:** August 5, 2011 **60-DAY DEADLINE FOR ACTION:** October 4, 2011
- 

- A. **PURPOSE:** Re-establishment of nonconforming use as a single-family home
- B. **PARCEL SIZE:** 43 ft. (Randolph) x 120 ft. (Saratoga) = 5,160 sq. ft.
- C. **EXISTING LAND USE:** C-Beauty Salon/Spa/Barber Shop
- D. **SURROUNDING LAND USE:**
  - North: Single family residential (R4)
  - East: Single and multifamily residential (B1 and RM2)
  - South: Coffee shop and residential (B1 and RM2)
  - West: Auto repair (B1)
- E. **ZONING CODE CITATION:** §62.109(e) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. **HISTORY/DISCUSSION:** There is no zoning history specific to this property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 14 Council had not commented at the time this report was written.
- H. **FINDINGS:**
  1. The property was built in 1912 as a single family home. In 2006 a portion of the home was converted into a salon. The salon closed in 2009 and the building was vacant until purchased by the applicant in February of 2011. According to the applicant, there were minimal alterations done to accommodate the salon and the structure retained most of its residential character. The application states that the proposed use as a residence would require few changes and is more viable than a conforming commercial use. The property lost its legal nonconforming status with the change to a conforming salon use in 2006. The applicant is proposing to re-establish the nonconforming single family residential use that existed prior to 2006.
  2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
    - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The structure was built as a single family home. Although a portion of the structure was renovated to accommodate a salon, the applicant has indicated that the majority of the original residential use is intact. A single family residential use at this location is a reasonable use of the structure.
    - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. The proposed use as a single family home is equally appropriate to the previous nonconforming use as a single family home.
    - (3) *The proposed use will not be detrimental to the existing character of development in the*

*immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The proposed single family residential use is in keeping with the surrounding mix of residential uses and the existing small scale commercial uses.

- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Housing Chapter of the Comprehensive Plan supports investment in and preservation of the existing, stable neighborhoods and housing stock (p.13). In addition the District 14 Macalester-Groveland Community Plan states a goal of maintaining the single family character of the district (#8, p. 2).
- (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on August 17, 2011: 16 parcels eligible; 11 parcels required; 11 parcels signed.

*The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.* This finding is met. The applicant has submitted sufficient documentation to substantiate the permit.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the Re-establishment of nonconforming use as a single-family home at 1517 Randolph Avenue.



**NONCONFORMING USE PERMIT APPLICATION**  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning Office Use Only

File #: 11-264892  
Fee: 700.00  
Tentative Hearing Date:  
9-8-11

PD-14#15

#

102823230096

**APPLICANT**

Name Audrey + John Malone  
Address 1517 Randolph Ave  
City St Paul St. MN Zip 55105 Daytime Phone 612-695-2676  
Name of Owner (if different) \_\_\_\_\_  
Contact Person (if different) \_\_\_\_\_ Phone: \_\_\_\_\_

**PROPERTY LOCATION**

Address/Location: 1517 Randolph Ave  
Legal Description Sylvan Park Addition To The  
CEX Ave. Lot 13 Current Zoning Commercial  
(attach additional sheet if necessary) Block 15

**TYPE OF PERMIT:** Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)  
☒ Re-establishment of a nonconforming use vacant for more than one year (para. e)  
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)  
☐ Enlargement of a nonconforming use (para. d)

**SUPPORTING INFORMATION:** Supply the Information that is applicable to your type of permit.

Present/Past Use Salon

Proposed Use Residence

Attach additional sheets if necessary

CK 6588  
700<sup>00</sup>  
8-17-11

Attachments as required ☒ Site Plan

☒ Consent Petition

☐ Affidavit

Applicant's Signature

Audrey Malone  
John Malone

Date

7/31/11

City Agent

pdh  
8/5/11

City of Saint Paul – Zoning

RECEIVED

AUG 17 2011

Per \_\_\_\_\_

John & Audrey Malone

1517 Randolph Ave.

Saint Paul, MN 55105

August 17, 2011

Re: Application for Legal Non-Conforming Use Permit – 1517 Randolph Ave.

Dear Madam/Sir,

Please accept our application for reestablishment of the Legal Non-Conforming Use (residence) permit for 1517 Randolph Ave.

The original permit was relinquished in 2006 when the 100 year old house was used as a salon. The business vacated the property in June 2009. It reverted to the lender and was empty until we purchased it in February of this year.

The home retains its original design and feel, with a living room, dining room and kitchen on the main floor. As a salon, the kitchen furnishings were removed and additional plumbing installed for hair washing sinks. A handicapped accessible, half bath was also added on the main floor. The upper level has the original three bedrooms and a full bath. There is no off street parking other than a single driveway. Street parking struggles to support the traffic for the coffee shop across the street.

Anecdotally, the former owner of the salon, Tara Keely Nelson, told us the economic pressures of the commercial tax base, business loan and personal issues contributed to the failure of the salon. She has since established a new location on Grand Avenue.

We are not business owners, but believe major remodeling would be needed, including the establishment of off-street parking, in order to use this house as anything but a small office or another salon. Neither of these would likely support the commercial property taxes or loan payments.

Little is needed to return the house to a residence. We have priced kitchen furnishings at Ikea and estimate that remodeling at under \$3,000.

The area surrounding the house is primarily residential. The block on which it sits consists of single family homes and one apartment building. One home has an in-house furniture repair business. The area immediately behind the house is entirely single family homes. The block across from the home has one coffee shop and apartment buildings.

The house sat empty for more than eighteen months while it was listed as commercial property. When it converted to a residential listing, traffic picked up and, according to our realtor, multiple families were preparing to make offers. The home didn't sell as a commercial property but sold almost immediately when it went on the residential listings. Market activity supports that the house is more viable as a residence.

Additional enclosures are included as required

RECEIVED

AUG 17 2011

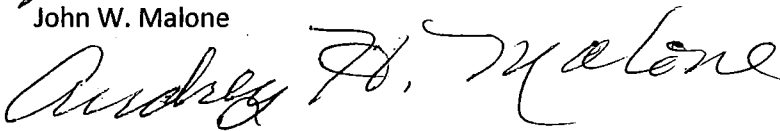
We talked with our neighbors when we asked for petition signatures and received very positive responses when we told them we want to return the house to its original, residence status. The house was built in 1912 and was a residence all those years except for the three year hiatus as a salon. It sits up above the street and is quite striking. The exterior is unaltered from when it was a residence and we have no plans to change anything on the outside, other than building a garage (pending permit approval) where the original garage stood. The house was built as a home and we hope return it to that status.

Please find, enclosed, documentation supporting the date the business vacated the property, the MLS listing showing the eroding commercial market value, the listing that was in effect at the time we purchased the home and a copy of our recorded purchase.

We hope you will find the information needed to approve our petition. Please let us know if there is anything else you require.

Sincerely,

  
John W. Malone

  
Audrey H. Malone

Additional enclosures are included as required

City of Saint Paul – Zoning

John & Audrey Malone

1517 Randolph Ave.

Saint Paul, MN 55105

August 5, 2011

Re: Application for Legal Non-Conforming Use Permit – 1517 Randolph Ave.

Dear Madam/Sir,

Please accept our application for reestablishment of the Legal Non-Conforming Use (residence) permit for 1517 Randolph Ave.

The original permit was relinquished in 2006 when the 94 year old residence was converted to a salon. The business vacated the property in June 2009. It reverted to the lender and was empty until we purchased in February of this year.

Please find, enclosed, documentation supporting the date the business vacated the property, the MLS listing showing the eroding market value, and the listing that was in effect at the time we purchased the home.

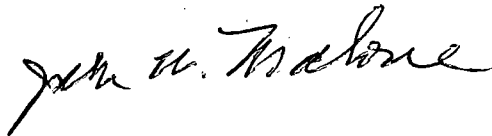
The block on which the home is situated consists of single family homes and one apartment building. One home has an in-house furniture repair business. The area immediately behind the home is completely made up of single family homes. The block across from the home has one coffee shop and apartment buildings.

1517 Randolph retains the look of a residence. As a salon, the kitchen was gutted and a single garage was removed. We plan to construct a double garage (pending permit approval) and re-create the kitchen.

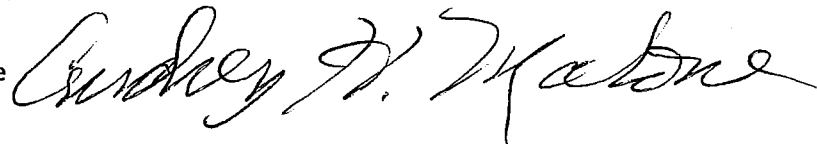
We hope you will find the information needed to approve our petition. Please let us know if there is anything else you require.

Sincerely,

John W. Malone



Audrey H. Malone



Additional enclosures are included as required



Tara Kealy Nelson  
2047 Grand Ave  
St. Paul, MN 55105

July 25, 2011

To Whom It May Concern,

Please be advised my last day of business, operating as the Spalagio salon, at 1517 Randolph Avenue, Saint Paul, MN was June 30, 2009.

Sincerely,

Tara Kealy Nelson 7-25-11

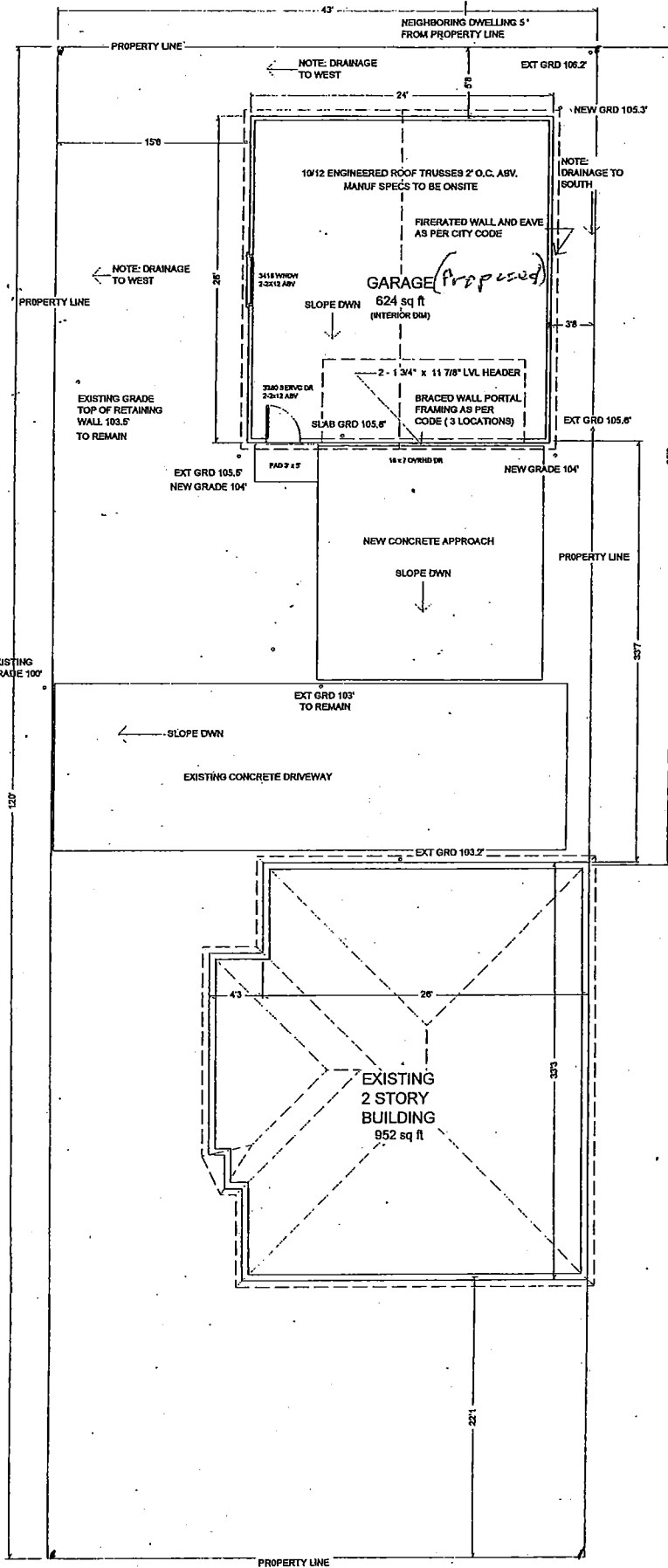
Tara Kealy Nelson

1517 RANDOLPH AVE,  
SAINT PAUL, MN  
NEW 24'x26' (624 sq ft)  
DETACHED GARAGE  
-W-

CONC APPROACH

PLOT PLAN

SCALE: 1"= 10'



RANDOLPH AVE

RECEIVED

AUG 17 2011

## CITY OF SAINT PAUL

# CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

Per \_\_\_\_\_

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Audrey + John Malone  
(name of applicant)

to establish a residence (Legal non-conforming)  
(proposed use)

located at 1517 Randolph Ave  
(address of property)

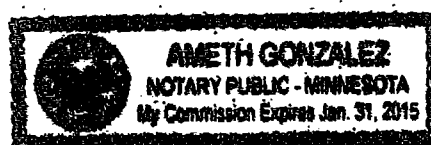
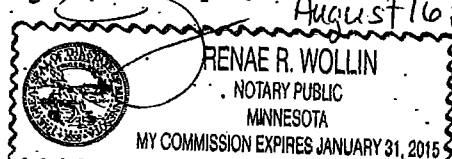
requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
465 Saratoga	Joan M. Johnson	Joan M. Johnson	7-21-11
466 Saratoga	JANETTE HILLARD	JANETTE HILLARD	7-21-11
465 Warwick St.	Jani Keller	Jani Keller	7-21-11
1495 Randolph	Anne Donohue	Anne Donohue	7-21-11
1501 Randolph	Eugene T. Cilek	Eugene T. Cilek	7-21-11
1515 Randolph	Don Lindstrom	Don Lindstrom	7-21-11
1515 Randolph	Steve Vondra	Steve Vondra	7-23-11
458 Saratoga	Cindy Dordy	Cindy Dordy	7-23-11
462 Saratoga	TROY EISENHUTH	TROY EISENHUTH	7-23-11
1521 Randolph	Tom King	Tom King	7-25-11
1510 Randolph	Mark Neborski	Mark Neborski	7-28-11
1517 Randolph	Audrey Malone	Audrey Malone	8-15-11
1517 Randolph	John M. Malone	John M. Malone	8-15-11

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

August 16, 2011



9/08

For John + Audrey Malone mlu

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Audrey + John Malone  
(name of applicant)

to establish a residence (Legal non-conforming)  
(proposed use)

located at 1517 Randolph Ave  
(address of property)

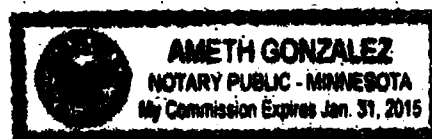
requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
465 Saratoga	Jordan M. Johnson	Jordan M. Johnson	7-21-11
466 Saratoga	JANETTE HILLARD	JANETTE HILLARD	7-21-11
465 Warwick St.	Jean Keller	Jean Keller	7-21-11
1495 Randolph	Anne Donahue	Anne Donahue	7-21-11
1501 Randolph	Eugene T. Cilek	Eugene T. Cilek	7-21-11
1515 Randolph	Don Lindstrom	Don Lindstrom	7-21-11
1518 Randolph	Steve Vondra	Steve Vondra	7-23-11
458 Saratoga	Cindy Dordy	Cindy Dordy	7-23-11
462 SARATOGA	TROY EISENHUTH	TROY EISENHUTH	7-23-11
1521 Randolph	Tom King	Tom King	7-25-11
1510 Randolph	Mark Nebroski	Mark Nebroski	7-28-11

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

9/08



*[Handwritten signature]*

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL  
USE PERMIT OR A NONCONFORMING USE  
PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, John Malone, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

John Malone  
NAME

1517 Randolph Ave.  
ADDRESS

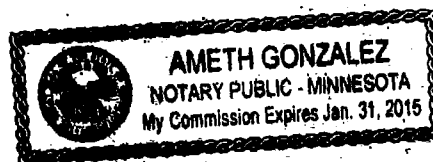
651 592 4920  
TELEPHONE NUMBER

Subscribed and sworn to before me this

04 day of August, 2011.



NOTARY PUBLIC



ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 8-5-11

DATE PETITION RESUBMITTED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

PARCELS ELIGIBLE: 16

PARCELS ELIGIBLE: \_\_\_\_\_

PARCELS REQUIRED: 11

PARCELS REQUIRED: \_\_\_\_\_

PARCELS SIGNED: 11

PARCELS SIGNED: \_\_\_\_\_

CHECKED BY: Paul Dubruic

DATE: 8-17-11

**Sarah Zorn - RE: File # 11-264-892 comments**

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**From:** Daniel Lindstrom <danielslindstrom@hotmail.com>  
**To:** <sarah.zorn@ci.stpaul.mn.us>, Jessica Timmington <jltimmington@gmail.com>  
**Date:** 8/27/2011 10:43 AM  
**Subject:** RE: File # 11-264-892 comments

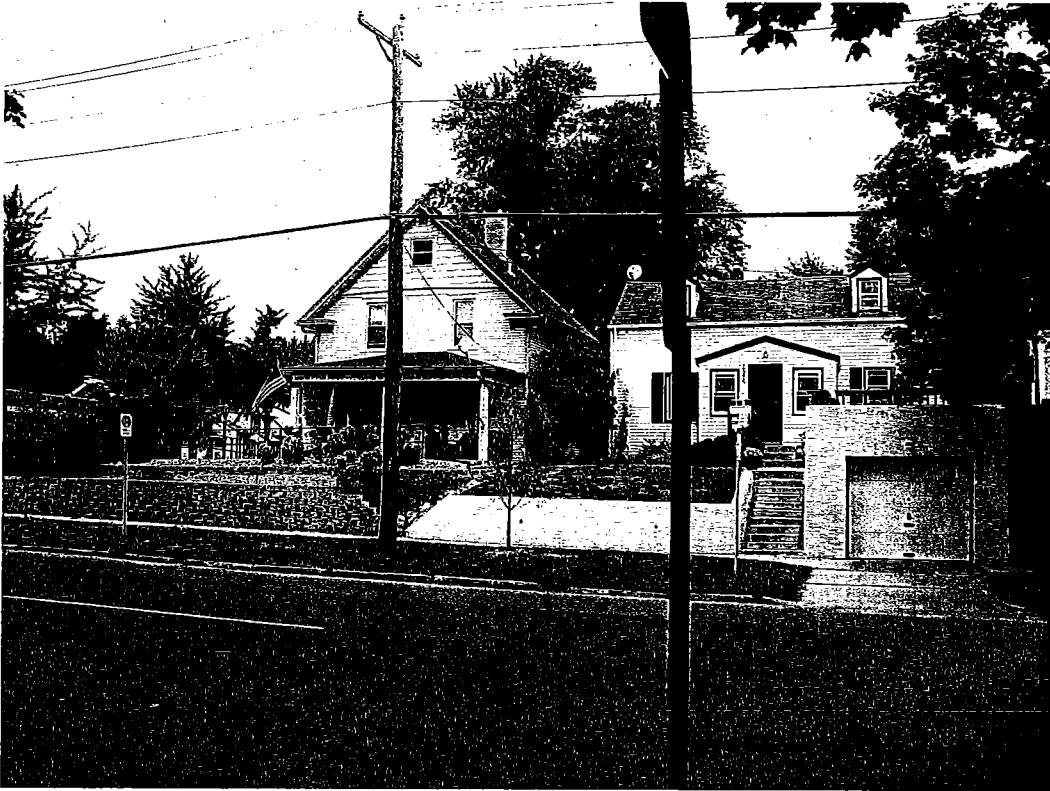
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Good morning,

I am writing in regards to File # 11-264-892 which is for the purpose of Re-Establishment of conforming use as a single-family home at 1517 Randolph Ave, NE corner at Saratoga, owned by Audrey and John Malone.

My wife and I live at and own 1515 Randolph Ave and are in full support of Audrey and John Malone's wish to build a garage on their property at 1517 Randolph Ave. I see no reason why they would not be allowed to build a garage.

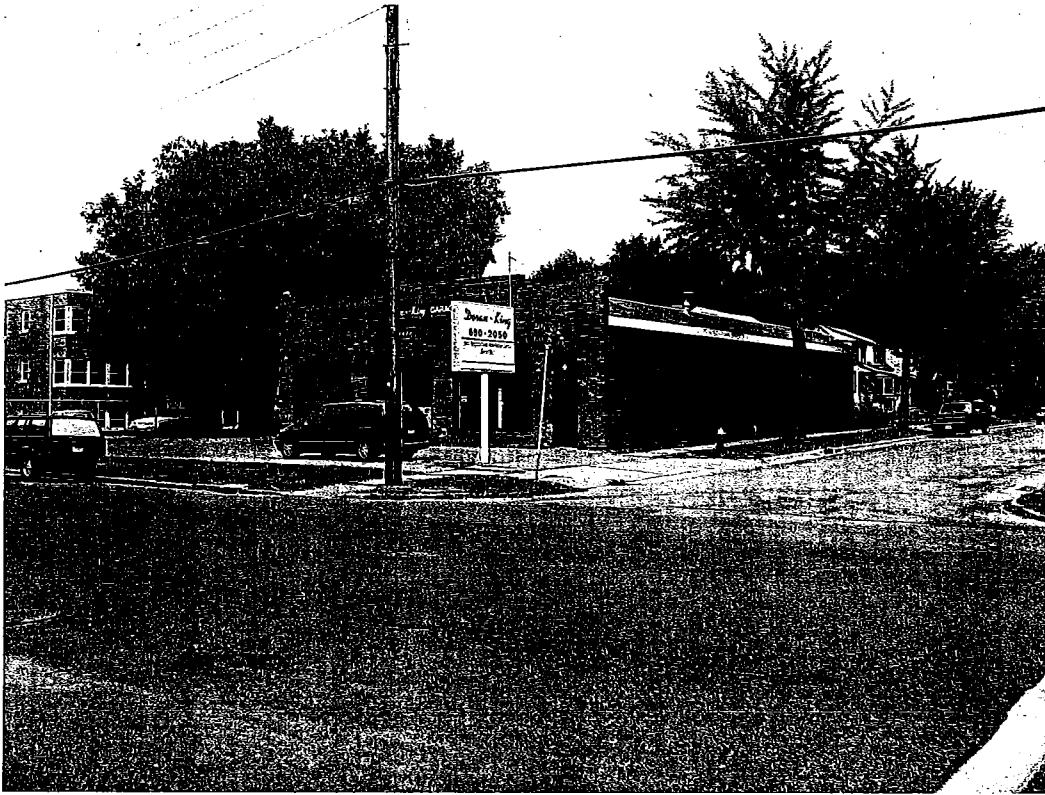
Thank you for your time.  
Daniel & Jessica Lindstrom



1517 Randolph Avenue



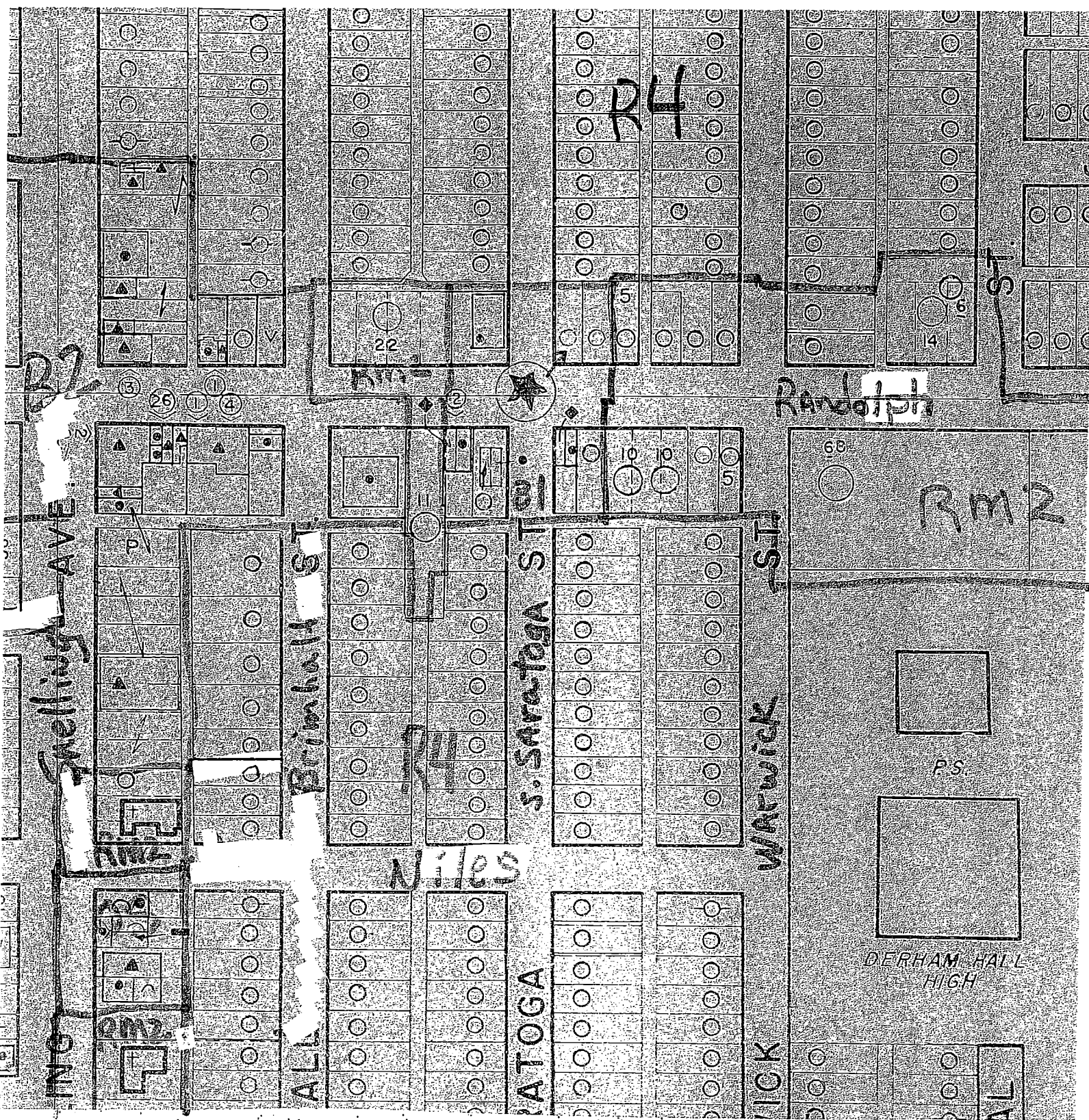




NW corner at Randolph and Saratoga



SE corner at Randolph and Saratoga



APPLICANT Audrey Malone  
John Malone  
 PURPOSE RE-EST Nonconforming USE  
 FILE # 11-264892 DATE 8-17-11  
 PLNG. DIST. 14 Land Use Map # 26  
 SCALE 1" = 100' Zoning Map # 20

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant
- north



## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Mississippi Market (Selby Ave) **FILE #:** 11-265-812
  2. **APPLICANT:** Mississippi Market **HEARING DATE:** September 8, 2011.
  3. **TYPE OF APPLICATION:** Rezoning - Consent
  4. **LOCATION:** 633 Hague Ave, between Dale and St. Albans
  5. **PIN & LEGAL DESCRIPTION:** 022823110178; Holcombes Addition Tosaint P Lot 27 Blk 5
  6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** RM2
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** August 30, 2011 **BY:** Kate Reilly
  9. **DATE RECEIVED:** August 10, 2011 **60-DAY DEADLINE FOR ACTION:** October 9, 2011
- 

- A. **PURPOSE:** Rezoning from RM2 Medium Density Multiple-Family Residential to B2 Community Business.
- B. **PARCEL SIZE:** 40 x 110 ft; 4,400 square feet
- C. **EXISTING LAND USE:** Residential
- D. **SURROUNDING LAND USE:** 633 Hague Ave. is surrounded by residential uses to the west and commercial uses, including parking, to the north, south and east.
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** 633 Hague Ave. was inherited by the previous owners when a family member died. In order to sell the house it needed to be brought up to code, which was cost prohibitive to the previous owners. The building was placed on the vacant building list as a Category 2 Vacant Building in January of 2010. On July 25, 2011 the neighboring Mississippi Market Co-op purchased the property with the intent of demolishing it and expanding the parking lot of the market.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 8 had not made a recommendation at the time the staff report was prepared.
- H. **FINDINGS:**
  1. The purpose of this application is to re-zone 633 Hague Ave., currently in an RM2 Medium Density Multiple-Family Residential district, to B2, Community Business in order to provide expanded parking for Mississippi Market Co-op, which is adjacent to this property.
  2. The proposed zoning is consistent with the way this area has developed. Selby is a commercial street and the corner of Selby and Dale, near where this property is located, has commercial uses on all four corners. Commercial properties which front Selby don't have much off-street parking to the rear, and rely on on-street parking. The Mississippi Market proposal is for a parking lot expansion to the rear and west of their building to accommodate their needs. Extending the B2 zoning to the west one additional parcel is consistent with the commercial character of the area.
  3. The proposed zoning is consistent with the Comprehensive Plan. Selby is identified as a mixed use corridor on Future Land Use Map LU-B. Mixed-Use Corridors include areas where two or more of the following uses are or could be located: residential, commercial, retail, office, small scale industry, institutional, and open space uses. The uses in these corridors may be within a building or in buildings that are in close proximity to each other. This portion of Selby Avenue is served by transit, as are other Mixed-Use Corridors. The node at Selby and Dale is a particularly dense center of retail and other commercial uses. The Comprehensive Plan generally calls for balance

and choice in transportation modes, efficient parking lot design, and voluntary reduction of surface parking lots. This development achieves some of the goals outlined in Strategy 2.8 of the Transportation Chapter by providing a space for a car-sharing program, bicycle facilities, and heavy landscaping.

4. The proposed zoning is an extension of the zoning for the existing parking lot for Mississippi Market. Consideration has been given that the proposed parking lot expansion is next to a residential property. The proposed site plan shows heavy landscaping to buffer the use from the adjacent residential property.
  5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property."* This does not create an use inconsistent with the surrounding uses (additional parking and residential) nor does it create an island of non-conforming use and will not dramatically reduce the value of the lot or abutting property.
  6. The petition for rezoning was found to be sufficient on August 19, 2011: 80 parcels eligible; 54 parcels required; 66 parcels signed.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of 633 Hague from RM2 Medium Density Multiple-Family Residential to B2 Community Business.



# PETITION TO AMEND THE ZONING CODE

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

City of Saint Paul - Office Use Only

11-265812

FEE: \$1200.00

Tentative Hearing date

9-8-11

PDS

02 2823 11 0178

## APPLICANT

Property Owner Mississippi Market Cooperative, Inc  
Address 622 Selby Ave  
City ST Paul St. MN Zip 55104 Daytime Phone 651 310 9461  
Contact Person (if different) Gail Graham, General Manager Phone \_\_\_\_\_

## PROPERTY LOCATION

Address / Location 633 Hague  
Legal Description 02 28 23 11 0178  
(attach additional sheet if necessary) Current Zoning RM2  
R-Duplex Legal Non conforming  
Vacant Property cat. 2

## TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes, Mississippi Market Coop Inc, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a RM2 zoning district to a B2 zoning district, for the purpose of: parking lot expansion - letter attached.

(attach additional sheets if necessary)

Attachments as required: ☒ Site Plan

Preliminary - hope to update prior to meeting

☒ Consent Petition

☒ Affidavit

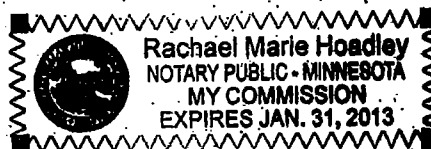
Subscribed and sworn to before me

this 08/10/2011 day  
of August, 20 11.

By: Gail Graham  
Fee Owner of Property

Title: General Manager

Rachael Marie Hoadley  
Notary Public





Mississippi Market  
Natural Foods Co-op

Administrative Offices  
622 Selby Avenue  
Saint Paul, MN 55104  
651-310-9499  
www.msmarket.coop

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 W Fourth Street  
Saint Paul, MN 55102-1634

August 10, 2011

Dear Committee Members,

On July 25 Mississippi Market acquired the house at 633 Hague, which is adjacent to our main parking lot, directly across from our overflow parking lot. Our hope is to get the property rezoned to allow for business use, demolish the house and expand our parking lot. I have included a print out of the property information on the house and aerial photos of the site and area. As you can see, it is a densely commercial corner.

The 633 Hague site is presently zoned "RM2"—"Residential Duplex, Legal Non-Conforming Vacant Building Category 2". The co-op is zoned B2, which allows for general retail. We will seek B2 zoning for the new lot. We feel that the rezoning will be compatible with land use and zoning in the general area since the lot is adjacent to our existing parking lot and directly across the street from our overflow lot. We presently have the consent of 67 of the needed 80 near by property owners on our rezoning petition: 83.75%.

We know that removing housing is a sensitive issue. However the past few years have been difficult and St. Paul has ended up with far too many abandoned houses: there are 941 single family homes on the vacant housing list. The owners of this particular house inherited it when their uncle died. They explored remodeling with an eye toward renting it out, but discovered it would require complete rewiring and re-plumbing to bring the house up to code. Then the housing bubble burst, home values plunged, and the owners realized they could not recoup the expense of the extensive renovations necessary. They have allowed the house to sit vacant for the past few years and it has continued to deteriorate. I have included some photos of the condition it is in. The probability that this house would ever have returned to an "owner occupied" status is very remote.

Mississippi Market believes that we have a legitimate need for this parking and this additional parking will help reduce some of the congestion on the near by streets. There are approximately 145 people employed in our building and we get about 800-1,000 customers in the store each day. The commercial businesses at the Selby Dale intersection have been thriving, and with that success parking has become a significant issue in a neighborhood. The co-op presently has 66 parking spots and rents an additional 10 from E&J Drycleaners—which we will continue to rent for employee and tenant parking. We will get approximately 12 additional spots on the lot. This would put our total owned parking at 78—under the maximum of 85 that would be allowed for a building and business of our size.

Mississippi Market has been an active member of this community since we opened in the spring of 1999. Since then, the annual sales at this location have grown to over \$12,000,000. Last year we paid \$162,364 in property taxes, \$125,452 for our Selby location. This year we expect to pay \$230,492 (not including the Hague property) \$132,286 of that for our Selby location. Membership now exceeds 10,000, and we have a staff of 169, 105 of

whom are employed at our Selby store. 60% of our staff are at or above St. Paul's livable wage of \$11.82. We make an effort to employ people from the neighborhood and 31 of our staff live within 1.2 miles of the Selby store. We also make an effort to reflect the diversity of the community in our staff. At the end of June 2011 24.3% of our employees at our Selby location were non-white.

Mississippi Market has worked hard to be a good neighbor in the community. We have been sponsors of the Selby Area Jazz Fest since its inception and we regularly provide donations to neighborhood organizations. (list included) Last winter we took on the responsibility of plowing the alley behind the Selby store. Over the years we have established a good track record of creating inviting gardens as part of our landscaping plans. When we redeveloped our overflow lot in 2006 we installed a rain garden and were able to preserve all of the mature trees. Last year the rain garden we installed at our store on West 7<sup>th</sup> won a "Blooming Saint Paul" award. When we develop this new lot and expand our parking we intend to do everything possible to preserve the large, existing oak tree and we will prepare an attractive landscaping plan that is sensitive to the needs of the neighbors and responsible from an environmental perspective.


We understand that people are concerned that more parking just encourages more use of cars. Please be assured, Mississippi Market *does* encourage alternate forms of transit. We are sponsors of the Nice Ride bike station that is planned for the corner of Hague and Dale. We recently added a new bike rack and introduced a "Bicycle Perks" program, rewarding people who bike to shop. For many years we have provided small subsidies for our staff to purchase bus passes to encourage them to take public transit to work. These are positive steps, but the reality is that most of our shoppers and staff do drive to the store.

Over the years we have demonstrated our commitment to sound design and welcome our neighbors' input into the plan for the lot. On Neighborhood Night Out we had a tent up in our overflow lot so near by neighbors could stop by and raise their concerns. We presented our plans to a Community Issues meeting on August 9 at which 9 people voted to support our plans and 7 opposed them. SUPC meets on August 23<sup>rd</sup>, and we have asked them for a letter of support.

I have included a preliminary site plan with our application. I expect it will change after I have the opportunity to review it with Tom Beach. It has been my understanding that I can provide more current information at a later date, but that it is important to get the petition in well in advance of the meeting to allow for the appropriate validation of signatures.

If I can provide any further information please don't hesitate to call me at 651 310 9461.

Sincerely,



Gail Graham

General Manager

Mississippi Market



# CITY OF SAINT PAUL

## AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY )

The petitioner, Mississippi Market Co-operative INC, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

Jill Graham, General Manager  
NAME  
Mississippi Market Co-operative INC  
50 622 Selby Ave St Paul MN  
ADDRESS 55104  
651 3109461  
TELEPHONE NUMBER

Subscribed and sworn to before me this  
10 day of August, 2011.

Rachael Marie Hoadley  
NOTARY PUBLIC





# CITY OF SAINT PAUL

## AFFIDAVIT OF PERSON CIRCULATING CONSENT PETITION FOR A REZONING

STATE OF MINNESOTA)

SS

COUNTY OF RAMSEY)

Gail Graham, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 12 pages; that affiant is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all properties contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and the signatures are the true and correct signatures of each and all of the parties so described.

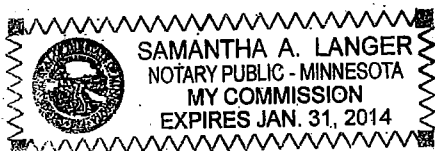
Gail Graham General Manager  
NAME Mississippi Market Cooperative Inc.  
622 Selby Ave  
ST. Paul MN 55104  
ADDRESS

651 310 9461  
TELEPHONE NUMBER

Subscribed and sworn to before me this

10 day of August, 2011.

Samantha Langer  
NOTARY PUBLIC



# ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

CUP

NCUP

## FIRST SUBMITTED

DATE PETITION SUBMITTED: 8-10-11

DATE OFFICIALLY RECEIVED: 8-19-11

PARCELS ELIGIBLE: 80

PARCELS REQUIRED: 54

PARCELS SIGNED: 66

## RESUBMITTED

DATE PETITION RESUBMITTED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

PARCELS ELIGIBLE: \_\_\_\_\_

PARCELS REQUIRED: \_\_\_\_\_

PARCELS SIGNED: \_\_\_\_\_

CHECKED BY: Paul Dubrarel

DATE: 8-19-11

## CITY OF SAINT PAUL

### CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Mississippi Market Cooperative Inc  
(name of petitioner)  
to rezone the property located at 633 Hague,  
from a RM2 zoning district to a B2 zoning district and
2. A copy of sections 66.410 through 66.441, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a B2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Mississippi Market Cooperative Inc to a B2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
637 Laurel Ave SS104	William S Walker	[Signature]	8-11-11

**NOTE:** This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

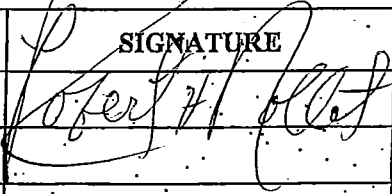
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Mississippi Market Cooperative Inc to a B2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
633 Laurel	Robert H. Nallet		8/2/2011

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## CITY OF SAINT PAUL

### CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

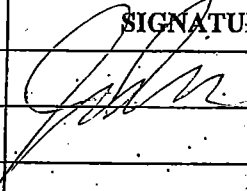
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(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
02-28-23-11-0277	Jason J Parr		7/22/11

**NOTE:** This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

## CITY OF SAINT PAUL

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Mississippi Market Cooperative Inc to a B2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
612 Selby Ave. 55102-1731	ST Paul Development Corp	John A. McCarty	8-4-11
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# CITY OF SAINT PAUL

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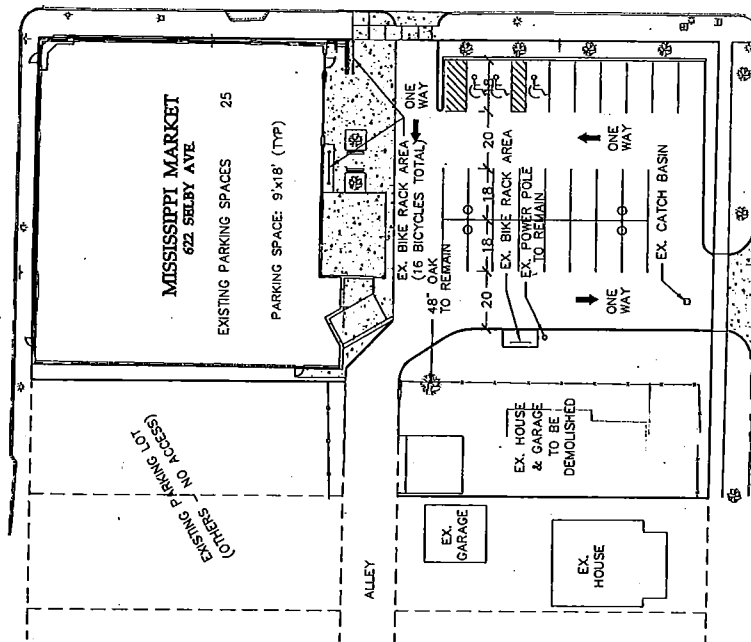
Mississippi Market to a B2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
02-28-23-11-0308	Selby Dale Cooperative	Bonita Caldwell	8/2/2011
02-28-23-11-0094 thru 02-28-23-11-0152			
02 28 23 11 0325	Mississippi Market Cooperative	Jill Graham	8-5-2011
02 28 23 11 0323	Mississippi Market Cooperative	Jill Graham	8-5-2011
02 28 23 11 0322	Mississippi Market Cooperative	Jill Graham	8-5-2011
02 28 23 11 0178	Mississippi Market Cooperative	Jill Graham	8-5-2011

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

Selby Avenue



Hague Avenue

Existing Conditions

Legal Description: Lot 27, 28, 29, 30, Block 5, Holcomb's Addition to Saint Paul



Project: Selby Store Parking Expansion  
 Date: 08/20/11  
 Scale: 1/8" = 1'-0"

Reviewed	Checked	Drawn	Scale
_____	_____	_____	_____
_____	_____	_____	_____

Prepared for  
 Mississippi Market Co-op  
 622 Selby Avenue  
 St. Paul, Minnesota 55104

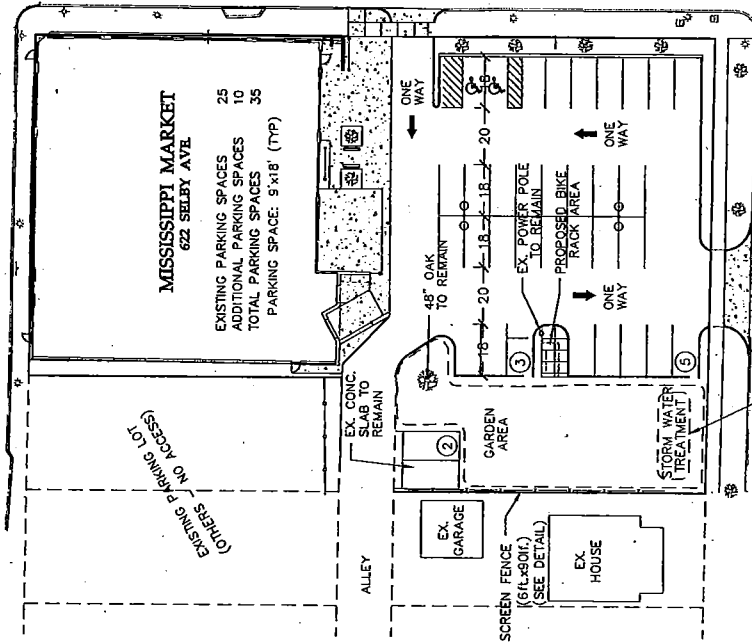
NOT FOR CONSTRUCTION

Mississippi Market Co-op

Selby Store  
 Parking Expansion  
 Existing Conditions  
 & Site Plan

St. Paul, Minnesota

Selby Avenue

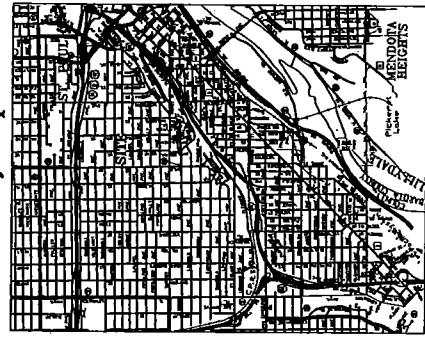


TOTAL LANDSCAPED AREA 3,500 sf  
 GARDEN AREA 3,170 sf  
 STORM WATER TREATMENT 330 sf

Hague Avenue

Site Plan

Vicinity Map



Dale Street



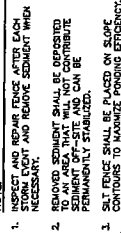
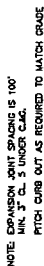
Date: 08/20/11  
 Scale: 1/8" = 1'-0"

Existing Conditions  
 & Site Plan









**NOT FOR CONSTRUCTION**

Mississippi Market Co-op  
 605 S. Third Avenue

St. Paul, Minnesota 55104

**Selby Store  
Parking Expansion**

St. Paul, Minnesota

Order: 08/30/11 Date: C4 of 4  
2011116427POL.dwg

[illegible]

**Notwendig**

**From:** Craig Upright <craig.upright@gmail.com>  
**To:** Gail Graham <gail@msmarket.coop>  
**CC:** <board@msmarket.coop>, Paul Dubruiel <Paul.Dubruiel@ci.stpaul.mn.us>  
**Date:** 8/12/2011 1:19 PM  
**Subject:** Alternative Proposal for 633 Hague

From: Craig Upright  
To: Gail Graham, General Manager, Mississippi Market  
Cc: Mississippi Market Board of Directors  
Paul Dubriel, St. Paul Department of Planning and Economic Development

Re: Alternative Proposal for 633 Hague

Date: 12 August 2011

Dear Gail,

I'm writing today as a neighbor to and as a member of the Mississippi Market concerning the proposed parking lot addition. As you well know, the residents and homeowners on Hague Avenue have expressed unified opposition to the demolition of the home at 633 Hague in order to pave over the property for additional parking. After viewing the initial design proposal you presented on 09 August at the Summit-University Planning Council meeting, I have several concerns:

- \* net loss of greenspace
- \* large amount of new pavement leading to more runoff
- \* severely compromised drainage under the oak tree's drip line
- \* layout encourages greater use of the alley as an entrance/exit
- \* no buffer between the parking area and Margaret's house at 639 Hague

After experimenting with potential layouts, I have concluded (as I assume your architects did as well) that one can squeeze at most 12 new parking spots into that area, and the proposal you showed us represents the only blueprint to achieve that. We cannot obtain those 12 additional spots without a huge expanse of asphalt and a great loss of neighborhood good will.

My alternative proposal would address all of the problems cited above. It would yield 9 new parking spots instead of 12, but I hope you'll agree that this trade-off results in a design that actually enhances the Market's property and aesthetics well beyond the added value of three parking spots. It is quite simple, really: if we convert the existing garden into parking from the sidewalk to just south of the oak tree, we can easily get 9 new parking spaces. The width of the garden is 16+ feet, more than adequate for a parking stall if it extended to the existing fence. Signs could reserve this row of parking spots for delivery vehicles between 8 and 11 a.m., allowing vans and trucks to parallel park without interfering with traffic flow.

Once the house is demolished, we could then expand the garden into the entire 633 property, adding bicycle parking and even a picnic bench or two. We could retain the garage for Market storage: garden tools, shovels, snowblowers, etc. and perhaps the recycling bins as well. Privacy fencing along the north and west property lines along with an iron fence on the south side would help ensure that this does not present itself as a public park, and signage could indicate we reserve its use for Market members.

To help address the current disconnect with the overflow parking lot, I propose a brick pathway that starts from the main Market entrance, extending west across the current yellow striping towards the oak tree, south behind the current fence to the sidewalk and a new curb cut, and across the street to the overflow lot all the way to the rain garden. This would not only provide a more pedestrian-friendly and stronger visual connection between the two lots, but also create a pleasant path through an arbored garden that

would be a pleasure to traverse rather than a chore. I'm hoping that the distance from the corner of Dale and Hague to the proposed crosswalk would also satisfy some of the city's safety concerns.

In addition to increasing the greenspace, ensuring a better ecosystem for the oak, and providing a more suitable buffer for Margaret, we would save ourselves and the neighborhood a contentious battle over rezoning. I believe that our members would welcome both the increased parking and the garden's new design -- especially if paired with an improved pedestrian connection through the garden to the overflow lot -- and would agree that this solution remains true to the co-op's values promoting outreach to our community and working for global sustainability.

To summarize: this plan can create 9 parking spots with minimal disruption. In order to increase that yield you need to pave over nearly the entire plot of land at 633 Hague. The math seems counter-intuitive but cannot be refuted -- converting 633 Hague to a parking lot and paving an additional 2,500+ square feet of potential greenspace will result in a net gain of just 3 additional spaces.

If you adopted this proposal and provided some assurance that this lot would not be paved in the future, I'm quite sure that the majority of the Hague Avenue and other nearby residents would support it. For the price of three parking spaces, we can actually improve our relations with the neighborhood and our stewardship of the earth. That sounds to me like a victory for all concerned parties.

Thanks for your consideration,

Craig Upright  
661 Hague Avenue  
St. Paul, Minnesota 55104  
(612) 600-1282

P.S. If the recycling area was moved to the 633 property, we could possibly create a 10th handicapped-only space right next to the store. I don't know the intricacies of the zoning requirements involved for parking lots which explains why I'm conservatively suggesting we would lose a maximum of three spaces with this alternative proposal.

**Kate Reilly - file 11-265-812**

---

**From:** "Gail Graham" <gail@msmarket.coop>  
**To:** "Kate Reilly" <Kate.Reilly@ci.stpaul.mn.us>  
**Date:** 8/31/2011 10:10 AM  
**Subject:** file 11-265-812  
**CC:** <jeff@thelaundrydoctor.com>

---

Hi Kate,

I am forwarding you a copy of the email Jeff Gardner, chair of the SUPC Community Issues committee, send to the SUPC board, summarizes the Community Issues meeting. The SUPC board did not take a vote on the matter, but I thought it might be helpful for you to receive the summary of the committee meeting. If you have any questions you can contact Jeff directly, I copied him on this email.

Thanks

Gail Graham  
 General Manager  
 Mississippi Market  
 622 Selby Ave  
 St. Paul, MN 55104  
 651 310 9461  
 ggraham@msmarket.coop



Please consider the environment before printing this email.

---

**From:** jeff@thelaundrydoctor.com [mailto:jeff@thelaundrydoctor.com]  
**Sent:** Wednesday, August 31, 2011 7:08 AM  
**To:** board@summit-u.com  
**Subject:** Community Issued meeting Recap

Fellow SUPC Board Members

I regret that I was not able to attend out board meeting on August 23, but I was out of town on business. I do want to give you a summary of the Community Issues meeting we held on August 9<sup>th</sup> to allow residents to comment on Mississippi Market's proposed rezoning application. We met at SUPC offices, as a memorial service was taking place at St. Albans.

Flyers were distributed to the residents on Monday August 22, and an announcement also went out in the SUPC newsletter. We had good attendance at the meeting, approximately 30 people. Nieeta Presley Executive Director Aurora St. Anthony began with a brief presentation on the proposed plans for the Old Home Dairy site on University. There was no action needed, she just wanted to give us an early head's up on what they are thinking about.

The only other item on the agenda was a presentation on the co-op's plans from Gail Graham, General Manager of Mississippi Market. She reviewed a drawing of the proposed layout, passed around photos of the interior of the house at 633 Hague that they plan on demolishing that showed the poor condition it was in, and spoke about why the parking is important to the co-op. There was a packet of information with all of the handouts that was to be shared with the board.

file://C:\Documents and Settings\reillyk\Local Settings\Temp\XPgrpwise\4E5E0892maild... 8/31/2011

The proposed expansion generated lots of discussion. There were people who supported the idea, and felt the parking problems in the area are significant, and feel that the proposed expansion to the lot would be helpful to the co-op and would get cars off near-by streets. There were a number of residents of Hague who did not support the proposal. Their main reasons were concern over the loss of green space, possible damage to the large Oak on the lot, possible light pollution, more traffic and the fact the block already has parking lots at the other end. The next door neighbor was especially concerned about having a parking lot adjacent to her house.

Ms. Graham commented that the co-op has tried to come to shared parking arrangements with the Churches at the end of the block, but has been unsuccessful. She assured the residents that the Co-op wants to preserve the Oak and will be taking measures to protect it during the project, and mentioned that they have successfully preserved trees on other projects they have done. She also stated that the co-op has an excellent track record of creating inviting gardens on their parking lots. There was also much discussion about the fact that neighbors felt caught off guard by the Co-op's plan, and that they felt things were moving too fast.

The meeting went on a while with most of the apposed neighbors on Hague presenting the same issues again and again so we had to cut the meeting off at 7:30 and take a poling of the attendees. There were a few people who had to leave early, who had gone on record as being in support of the co-op. I didn't included them in the straw poll count, which ended up being 9 in favor of the co-op and 7 against.

Just so you know, a few days after the meeting Ms. Graham sent us an updated plan that took ideas from the meeting, reducing the parking spots gained to 10 and greatly increasing the green space. It seemed to address one of the big issues raised at the meeting about loss of green space.

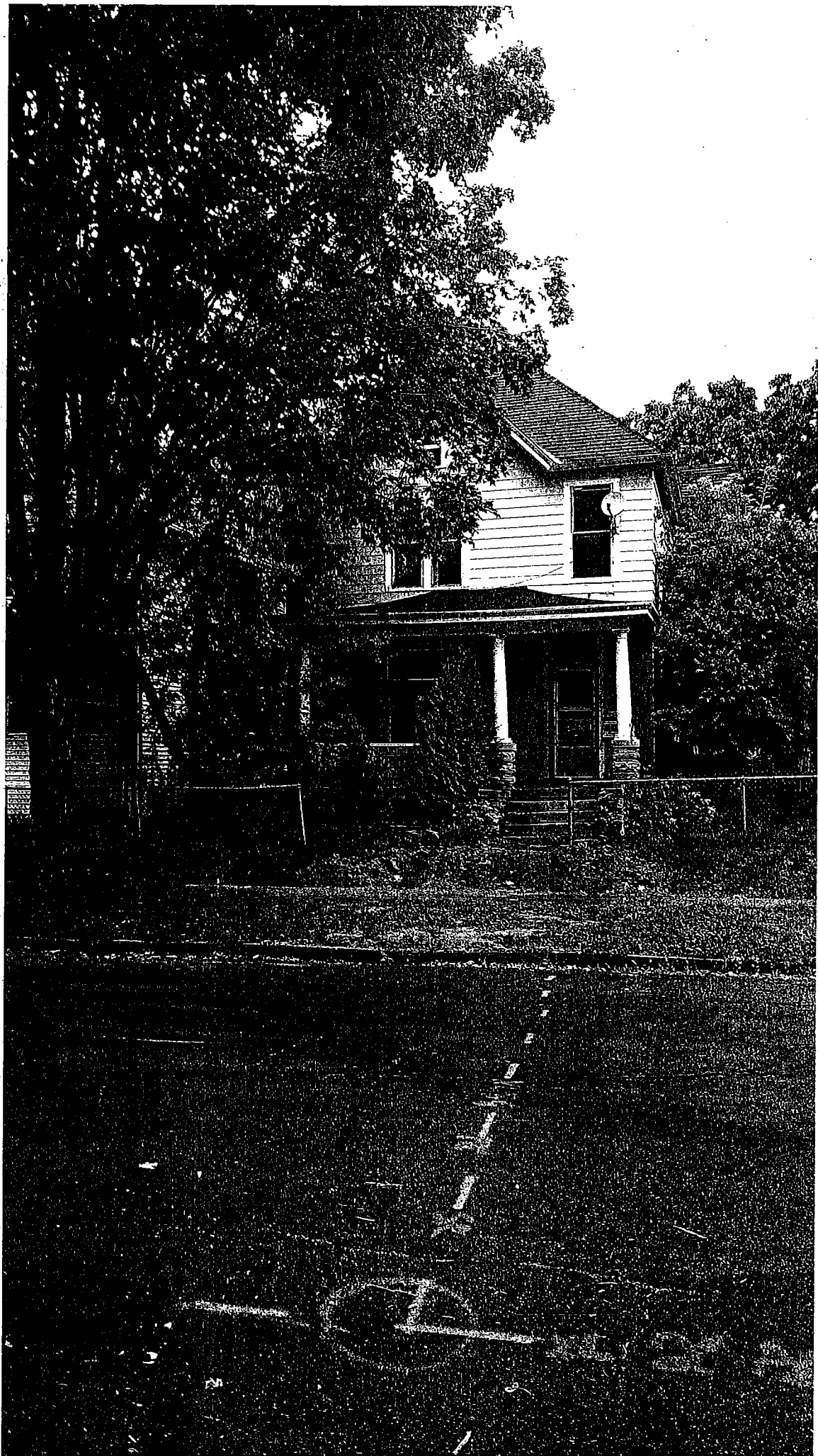
As a side note I have not signed the petition because of my position on this board and I have remained neutral on this issue to the public, However I live (own my home not rent) in the 350 feet range and I own the building my business is in that is with in the 350 feet of the market and to this group I will let you know I am in support of this rezoning.

Community Issues Chair

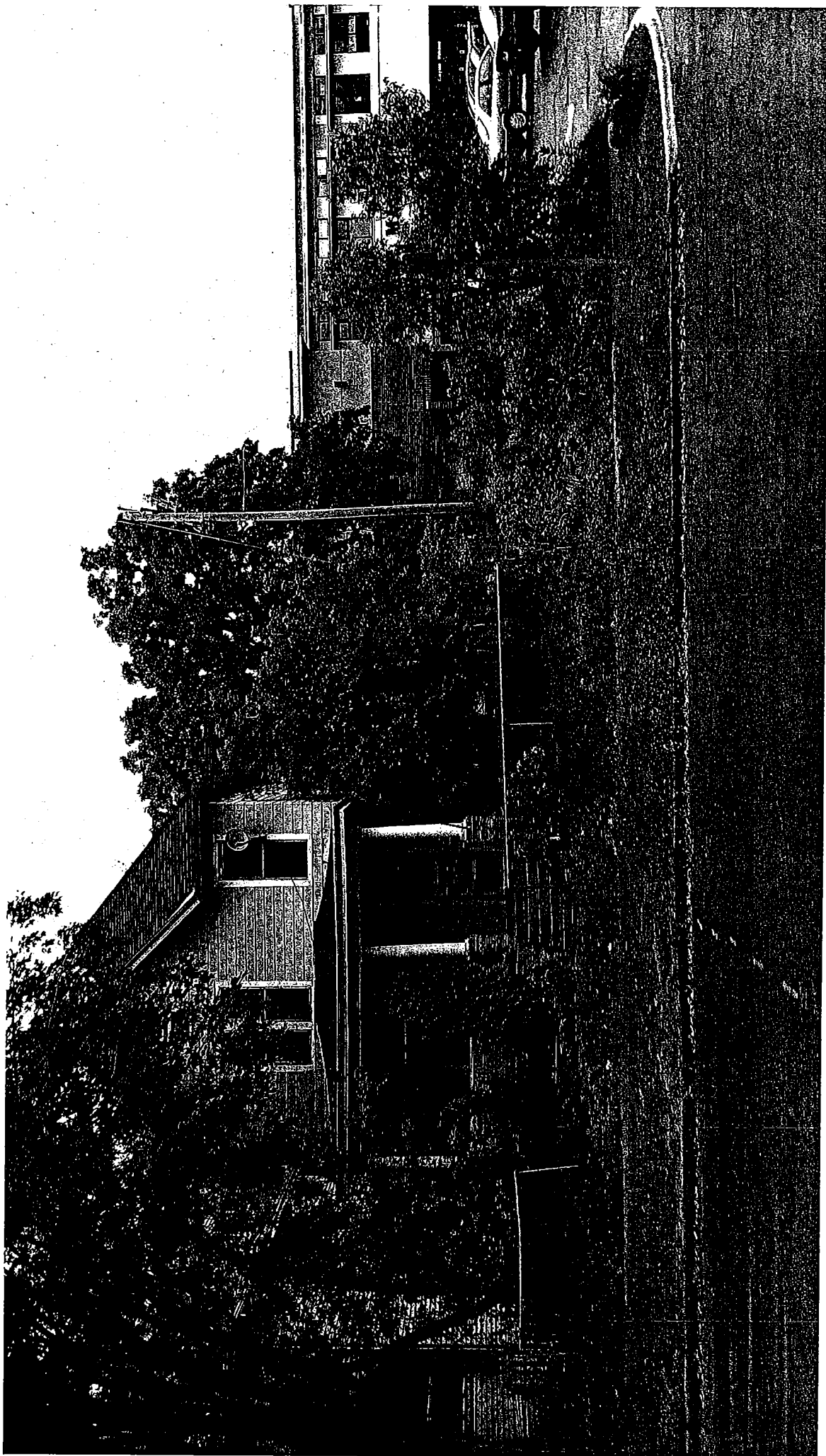
Jeff Gardner  
The Laundry Doctor  
662 Selby Avenue  
Saint Paul, MN 55104  
(651) 602-0387

<http://www.thelaundrydoctor.com>

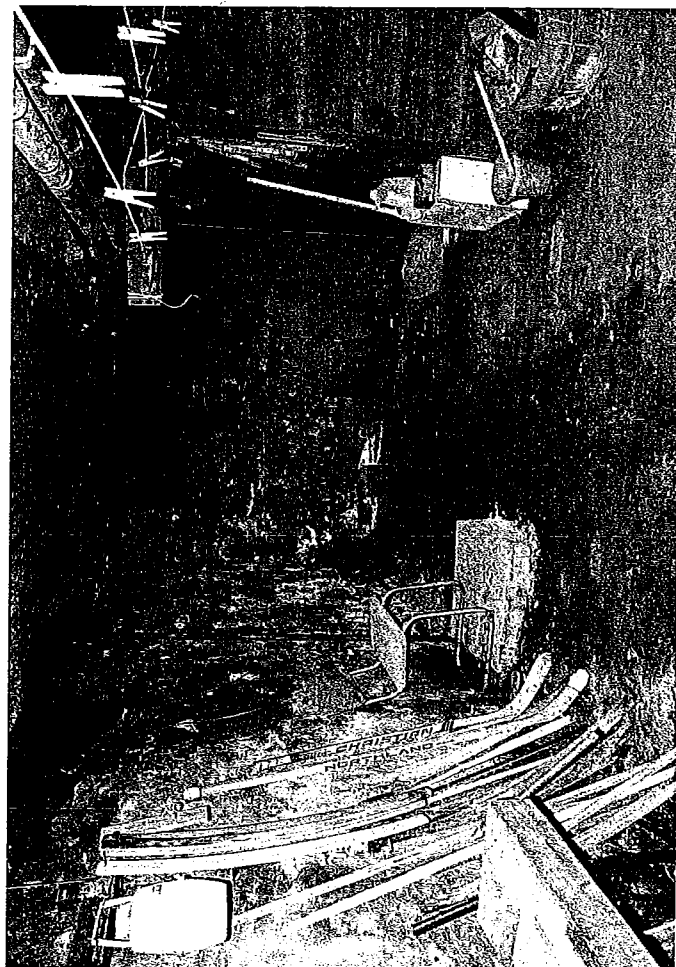
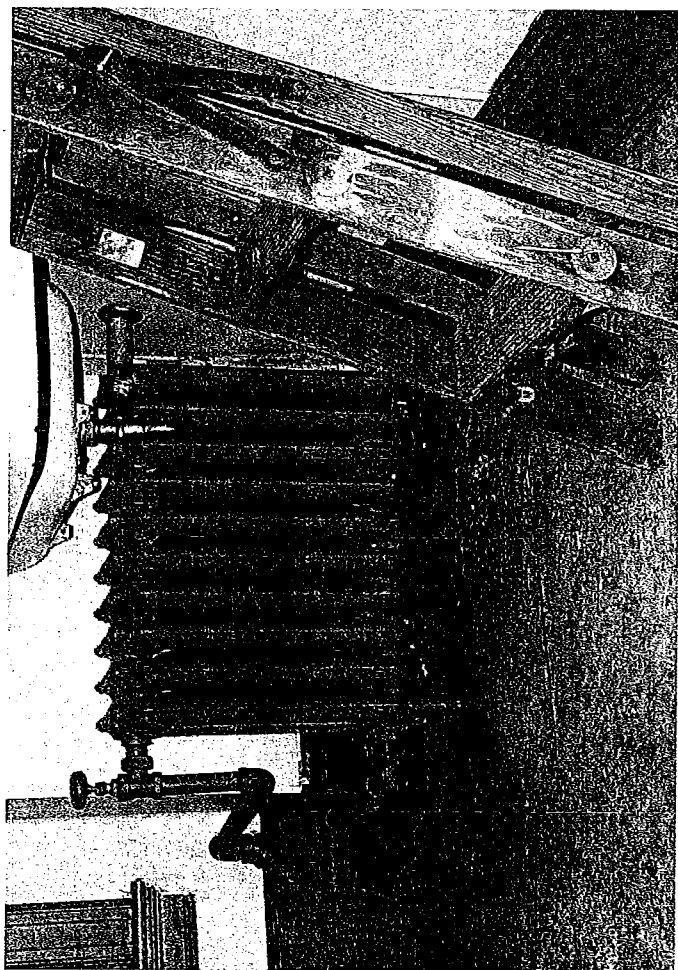
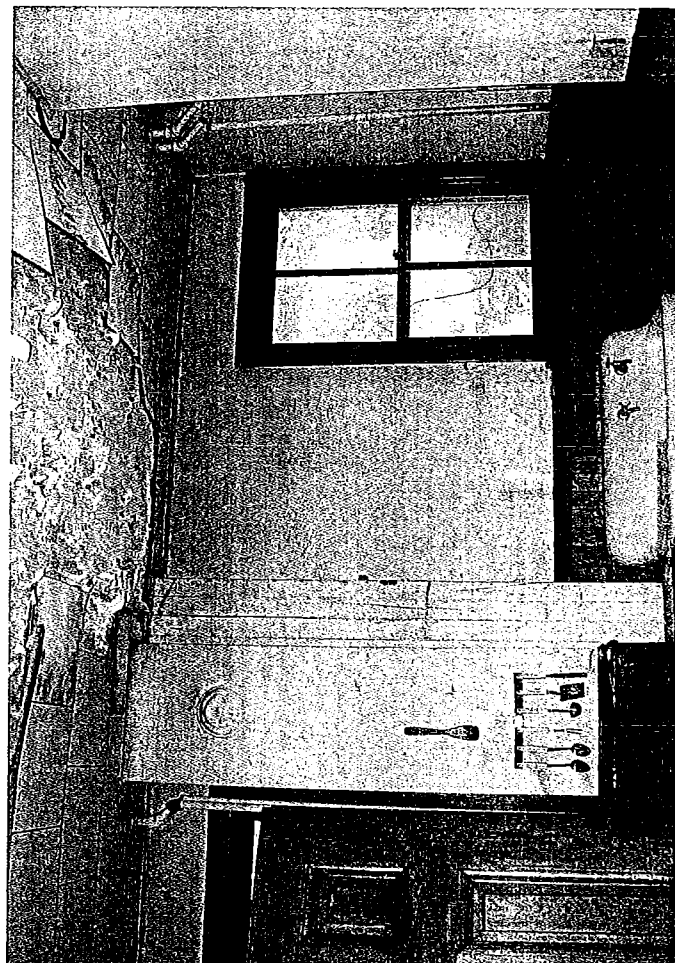
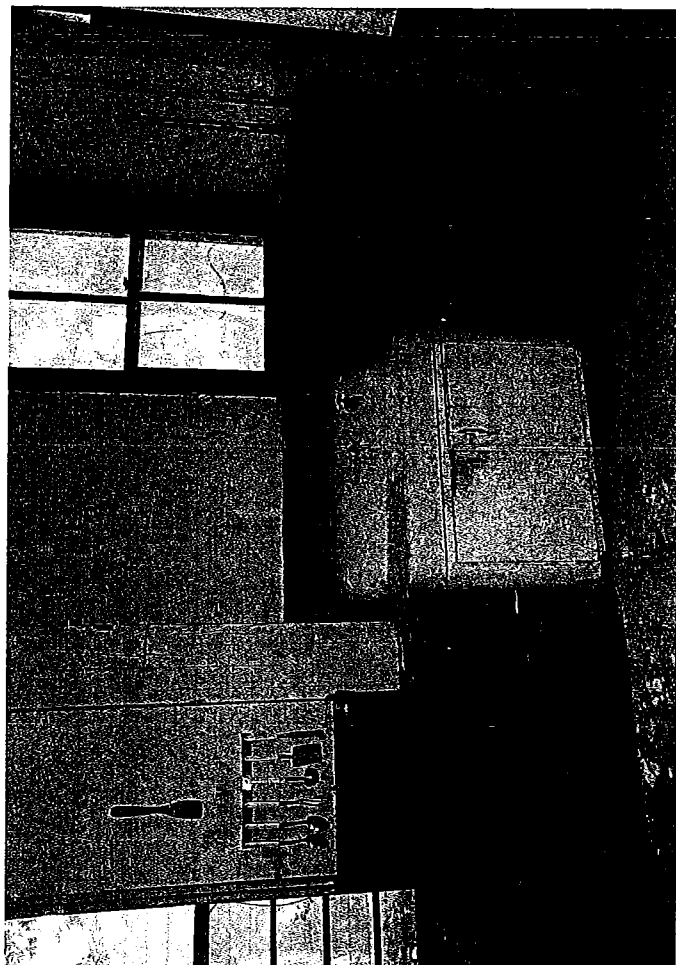


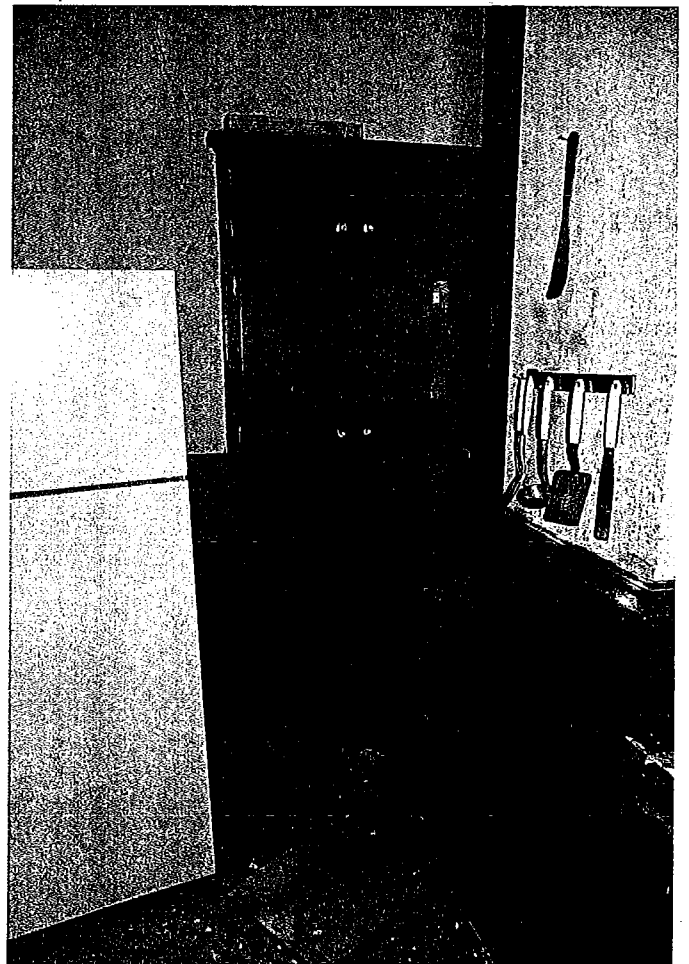
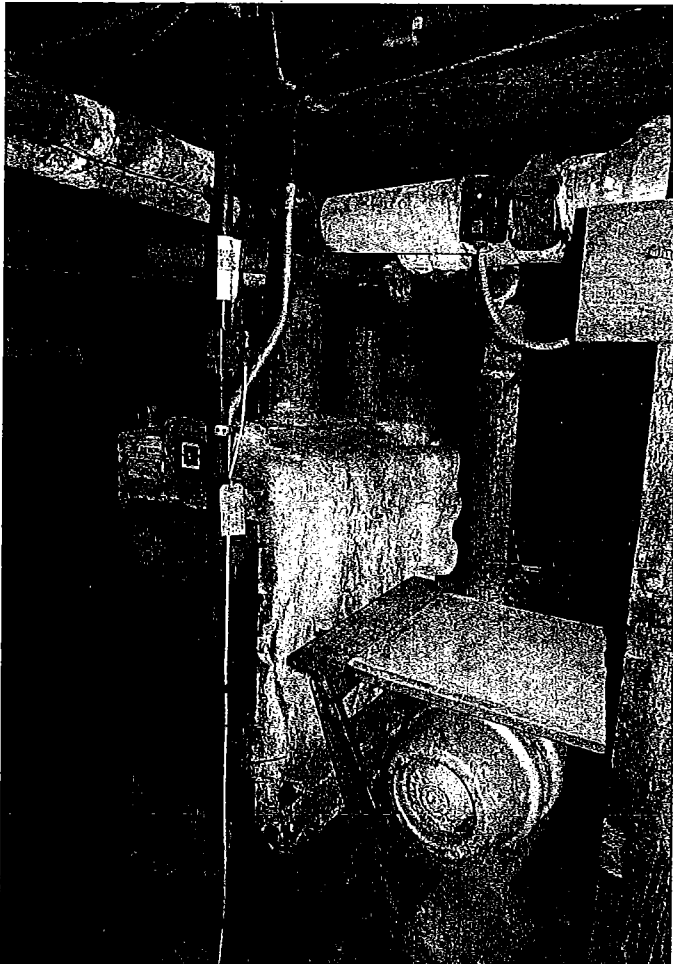
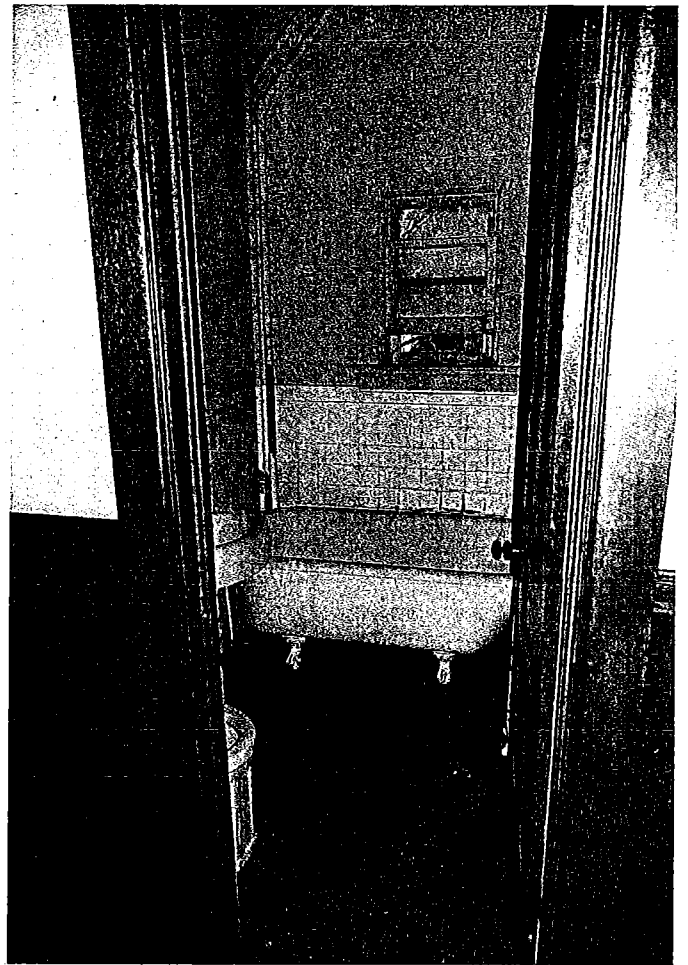








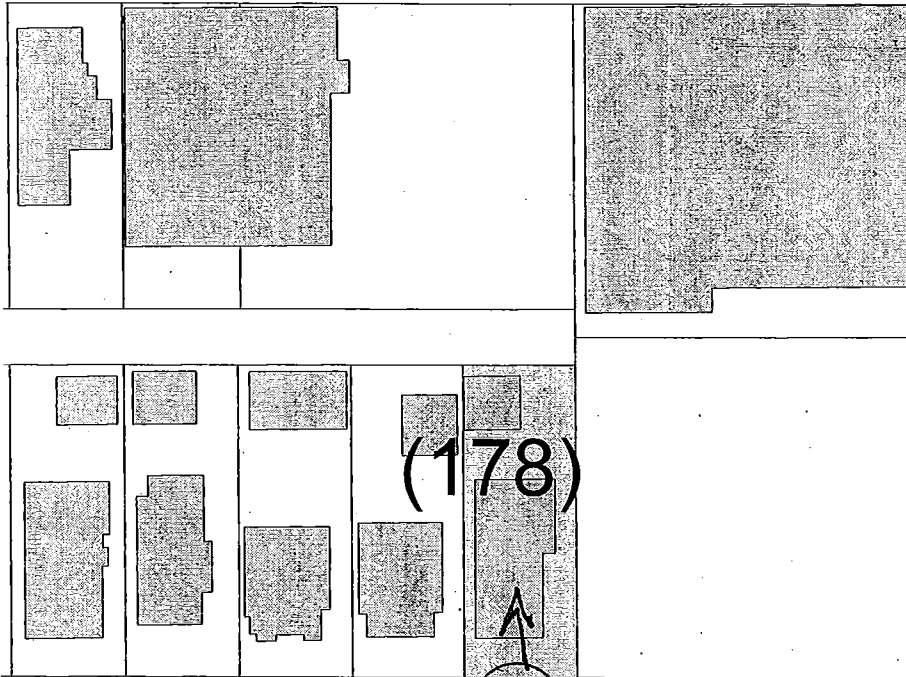






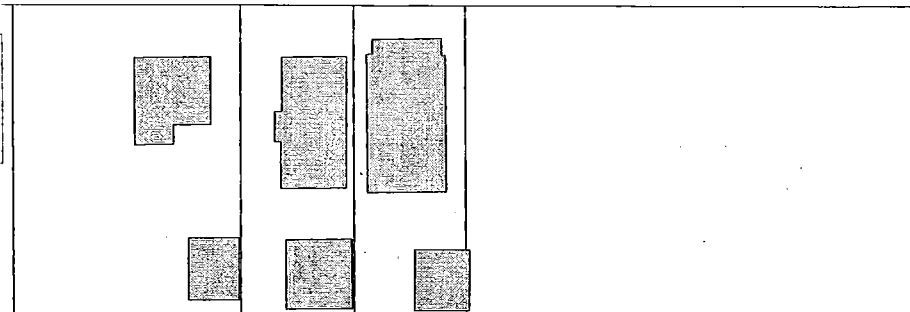


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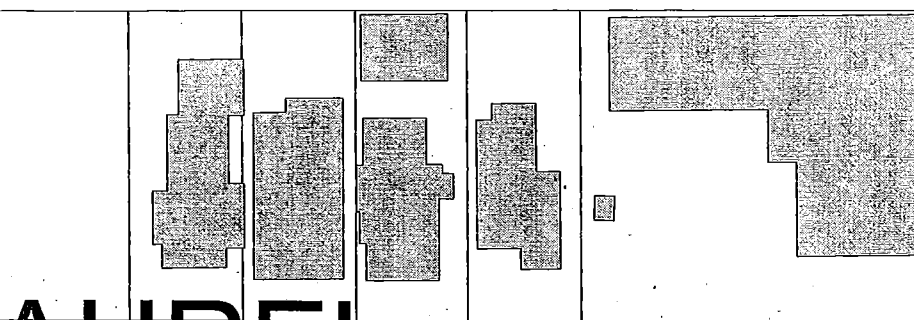


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